

§ 431.328

of an authorizing manufacturer or private labeler.

(e) *Submission instructions.* All reports and notices required by this section shall be sent by certified mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE-2J, 1000 Independence Avenue, SW., Washington, DC 20585-0121, or by e-mail to the Department at: *certification.report@ee.doe.gov*. If submitting by e-mail, the compliance statement must be provided in PDF format (which shows the original signature).

[75 FR 10968, Mar. 9, 2010]

§ 431.328 Sampling.

For purposes of a certification of compliance, the determination that a basic model complies with the applicable energy conservation standard shall be based upon the testing and sampling procedures, and other applicable rating procedures, set forth in this part. For purposes of a certification of compliance, the determination that a basic model complies with the applicable design standard shall be based on the incorporation of specific design requirements specified in this part.

[75 FR 10968, Mar. 9, 2010]

§ 431.329 Enforcement.

Process for Metal Halide Lamp Ballasts. This section sets forth procedures DOE will follow in pursuing alleged non-compliance with an applicable energy conservation standard.

(a) *Performance standards.* (1) *Test notice.* Upon receiving information in writing concerning the energy performance of a particular covered equipment sold by a particular manufacturer or private labeler which indicates that the covered equipment may not be in compliance with the applicable energy standard, the Secretary may conduct a review of the test records. The Secretary may then conduct enforcement testing of that equipment under the DOE test procedure, a process that is initiated by means of a test notice addressed to the manufacturer or private labeler in accordance with the requirements outlined below.

(i) The test notice procedure will only be followed after the Secretary or his/her designated representative has

10 CFR Ch. II (1-1-11 Edition)

examined the underlying test data provided by the manufacturer, and after the manufacturer has been offered the opportunity to meet with the Department to verify compliance with the applicable energy conservation standard and/or water conservation standard. A representative designated by the Secretary must be permitted to observe any re-verification procedures undertaken according to this subpart, and to inspect the results of such re-verification.

(ii) The test notice will be signed by the Secretary or his/her designee and will be mailed or delivered by the Department to the plant manager or other responsible official designated by the manufacturer.

(iii) The test notice will specify the basic model to be selected for testing, the number of units to be tested, the method for selecting these units, the date and time at which testing is to begin, the date when testing is scheduled to be completed, and the facility at which testing will be conducted. The test notice may also provide for situations in which the selected basic model is unavailable for testing, and it may include alternative basic models.

(iv) The Secretary may require in the test notice that the manufacturer of covered equipment shall ship at its expense a reasonable number of units of each basic model specified in the test notice to a testing laboratory designated by the Secretary. The number of units of a basic model specified in a test notice shall not exceed 20.

(v) Within five working days of the time the units are selected, the manufacturer must ship the specified test units of a basic model to the designated testing laboratory.

(2) *Testing Laboratory.* Whenever the Department conducts enforcement testing at a designated laboratory in accordance with a test notice under this section, the resulting test data shall constitute official test data for that basic model. The Department will use such test data to make a determination of compliance or noncompliance.

(3) *Sampling.* The Secretary will base the determination of whether a manufacturer's basic model complies with the applicable energy conservation